

Zoning Board of Adjustment Meeting Minutes
May 27, 2020

Attendance: Chairman Kent Lawrence, Betsy Coes, Jack Steiner, and Alternate Steve Yevich. Absent from the meeting was Bob Elliott, Dave Sweet, Alternate Michelle Sullivan.

Chairman Lawrence called the meeting to order at 7pm.

Case#20-03-25-01

The applicant Michelle Momenee, represented by Attorney Joshua Lanzetta, seeks relief from Article III, Section 3.2 and Article IX Section 9.3.6 to construct a tidal dock structure and relocate an existing boat house located at 3 Route 108, Newfields NH. The property is located in the Newfields Commercial District, known as Map 202 Lot 1.

Attorney Joshua Lanzetta presented the case and a slide show of the existing conditions of the property. A representative from Riverside and Pickering Marine Contractors, is available by cell phone if any questions need to be answered regarding the construction of the dock.

Attorney Lanzetta said that this property is unique with only one physical direct abutter, Richard Messner. Mr. Messner's lot is L-shaped and surrounds Momenee's lot. The property is unique when it comes to setback and dimensional issues. It is located in the commercial zone. It is not uncommon to see residences in commercial zones.

The property is in the AE zone of the NH Flood Maps, which is in the floodplain. Both the dock structure and shed design has been accounted for in the DES permit. The existing boat house is close to the water line and encroaches on the Messner property.

The applicant proposes to construct a tidal dock; the pier floats on the water. The dock encroaches on the rear side setback which is 25 feet. The encroachment will be about 5 feet. Additionally, they propose to change the location of the boat house from the salt marsh, to the already developed lawn. The boat house will be constructed on piles and allow for the free flow of water underneath the structure. They need the variance because they are within 150 feet of the water line.

This construction provides the least impact for a docking structure on the property. The smallest amount of shade and water moving under the structure will allow the grass and habitat to flourish. The permit from DES was granted on September 9, 2019. The project will restore 250 sf of wetlands habitat and essentially has zero impact to the habitat.

Jack Steiner asked how far the boat house encroached on the side setback. Attorney Lanzetta stated that it is the stairs and landing to the dock that encroach on the setback about 5 feet.

Kent asked the length of the dock. The dock is approximately 75 feet. It includes the accessway of 10", the 42' pier and the gangway which is 35' long. Roughly 65 feet of walkway and ramp Kent commented.

Michelle commented that the material being used for the dock is not solid; light can get through. The dock is wood; the gangway will be metal.

The construction will require a barge. Betsy asked when this project would start. Once the 30 day appeal period has passed the construction will begin according to the applicant.

The criteria for a variance from Article III, Section 3.2 was voted on.

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| 1. The variance will not be contrary to public interest | Yes-4, No-0 |
| 2. The spirit and intent of the ordinance are observed | Yes-4, No-0 |
| 3. Substantial justice is done | Yes-4, No-0 |
| 4. The values of surrounding properties are not diminished | Yes-4, No-0 |
| 5. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship | Yes-4, No-0 |

The variance to build within the side yard setback was granted.

The criteria for a variance from Article IX, Section 9.3.6 was voted on.

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| 6. The variance will not be contrary to public interest | Yes-4, No-0 |
| 7. The spirit and intent of the ordinance are observed | Yes-4, No-0 |
| 8. Substantial justice is done | Yes-4, No-0 |
| 9. 4. The values of surrounding properties are not diminished | Yes-4, No-0 |
| 10. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship | Yes-4, No-0 |

The variance to build within 150 feet from the Squamscott River was granted.

Kent made a motion to approve the variances as presented and seconded by Betsy. All were in favor and the motion carried.

Respectfully submitted,

Kent Lawrence